

### **Remarks/Arguments**

Claims 1-9, 11, 13, 15-16, 18, 19, 21-30, 32, 34, 36-37, 39, 40, and 42 stand rejected in the above-identified Examiner's Answer. In response, claims 1, 11, 13, 16, 19, 22, 32, 34, 37, and 40 have been amended, and no claims have been cancelled. Thus, claims 1-9, 11, 13, 15-16, 18, 19, 21-30, 32, 34, 36-37, 39, 40, and 42 remain pending.

### **Amendments**

Support for the amendments may be found, for example, at least in Figure 6 and on page 11, line 19 through page 13, line 10 of the originally-filed Specification.

### **Rejections under 35 U.S.C. § 103**

Claims 1-9, 11, 13, 15-16, 18, 22-30, 32, 34, 36-37, and 39 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 5,638,501 to *Gough et al.* ("Gough"). While Applicants do not concede the propriety of the 35 U.S.C. § 102(e) rejection of claims 1-9, 11, 13, 15-16, 18, 22-30, 32, 34, 36-37, and 39, in order to expedite examination of the application, Applicants herein amend claims 1, 11, 13, 16, 22, 32, 34, and 37 to further clarify Applicants' claimed techniques.

#### **Claims 1-6, 11, 13, 15-16, 18, 22-27, 32, 34, 36-37, and 39**

As amended, claim 1 recites a method comprising:

"copying and saving first pixel values corresponding to a first display screen area;  
blending the copied first pixel values with second pixel values to generate third pixel values;

replacing the original first pixel values with the third pixel values to effectuate display of a non-blocking always visible display;

monitoring for a display operation that impacts the first display screen area, the display operation attempting to alter the first pixel values;

upon detection of the display operation, replacing said third pixel values with said first pixel values using said saved first pixel values;

upon completion of the display operation, copying and saving fourth pixel values corresponding to the first display screen area, the fourth pixel values corresponding to the altered first pixel values;

blending the copied fourth pixel values with said second pixel values to generate fifth pixel values; and

replacing the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the non-blocking always visible display.”

Taken as a whole, amended claim 1 teaches a method of blending pixels of an application display with pixels of a non-blocking display, detecting a display operation to alter the content of the pixels of the application display, reinstating the pre-blended pixels, saving new pixel values corresponding to the altered pixels of the application display, upon completion of the display operation, and blending the new pixel values with the pixels of the non-blocking display. Thus, claim 1 is able to produce a blended display, including an application display, but still maintain a current copy of the pixel values of the application display that does not include the pixels of the non-blocking display.

In contrast, Gough simply teaches a translucent overlay window for rendering “in front of” an application program window. The overlay window is an image of an input mechanism, such as a keyboard comprising a number of virtual keys. The display device on which the windows are rendered may be touch sensitive to detect presses of the virtual keys of the overlay window with, e.g., a pen. In some embodiments of Gough, one of the virtual keys of the overlay may act as a toggle between a blended and a non-blended view of the overlay. When the overlay is on top, and not blended, the user may tap on the toggle key (transparency icon 68 of Gough Fig. 3) to produce a blended display with the overlay shown “on top”, in a transparent fashion, and the application window may be shown below through the transparent overlay (see Gough Fig. 4). Then, the user may tap on the toggle key again to cause the overlay to become solid again (see Gough col. 6, lines 50-67).

Even assuming for the sake of argument that the pixels of the overlay read on the first pixels, which claim 1 recites as being copied, blended, and restored, Gough still does not teach that the restoration of the first pixel values/overlay is performed upon detection of a display operation attempting to alter the first pixel values/overlay. Gough discusses no such altering of the overlay, and in fact teaches away from such altering. The overlay of Gough is intended as a persistent input mechanism to provide equivalent functionality to a physical keyboard. Altering of such an overlay would be undesirable from the perspective of one skilled in the art and is certainly not disclosed by Gough.

The only window/pixel values described by Gough as being altered is the application window. The pixels of the application window, however, cannot read on the first pixel values because Gough does not describe these pixels as being copied, stored, blended, and restored. Gough simply shows that application window may be displayed by itself (Fig. 2) or shown through a translucent keyboard (Fig. 4). At no point are its pixels described as being stored, and then, after blending, being restored by replacing pixels of a blended display.

Thus, Gough simply does not teach a method where first pixel values are copied, stored, blended, and, in response to detecting a display operation attempting to alter the first pixels, restored, as claimed by amended claim 1.

In the above-identified Examiner's Answer, the Examiner maintained that Gough does indeed teach the "swap back" approach previously argued as distinguishing claim 1 over Gough. In "Response to Arguments", pages 13-21, the Examiner provided the above-described example of allowing the user to toggle between a blended and a solid overlay as teaching the "swap back" approach. The Examiner also continued to maintain, over Applicants' prior arguments, that the remapping of pages from VRAM to RAM, then back to VRAM also teaches the "swap back" approach. For the reasons provided in Applicants' previous responses, Applicants continue to disagree with the

Examiner. However, Applicants' continuing disagreement with Examiner over the reading of the sections relied by the Examiner are moot in view of Applicants' amendments to claim 1. Applicants no longer rely simply on a "swap back" approach but further clarified that the "swap back" approach involves swapping first pixels back in response to detecting an operation attempting to alter those pixels. Assuming for the sake of argument that the Examiner's arguments are all correct (which Applicants continue to disagree), for the reasons set forth above, amended claim 1 is nonetheless patentable over Gough for the reasons provided above.

Accordingly, amended claim 1 is patentable over Gough under §102(e).

Amended claims 7, 11, 13, 16, 22, 28, 32, 34, and 37 recite limitations similar to those of amended claim 1, and accordingly are patentable over Gough under §102(e) for at least the same reasons.

Claims 2-6, 15, 18, 23-27, 36, and 39 depend from claims 1, 13, 16, 22, 34, and 37, incorporating their limitations, respectively. Thus, for at least the same reasons, claims 2-6, 15, 18, 23-27, 36, and 39 are patentable over Gough under §102(e).

Additionally, Gough further fails to teach the recitations of claims 4, 15, 18, 25, 36 and 39, which include limitations similar to those of claims 7 and 28, discussed in greater detail below. Thus, claims 4, 15, 18, 25, 36 and 39 are patentable over Gough for the additional reasons described below with regard to claims 7 and 28.

#### Claims 7-9 and 28-30

Claim 7 recites a method comprising:

" copying and saving first pixel values corresponding to a first display screen area;

blending the copied first pixel values with second pixel values corresponding to a non-blocking always visible display to generate third pixel values;

replacing the original first pixel values with the third pixel values to effectuate display of the non-blocking always visible display;

intercepting cursor events associated with said first display screen area; and  
determining whether the cursor events are to be handled by an application program associated with said non-blocking always visible display or an application program associated with an underlying display window, based at least in part on a current blending bias between said non-blocking always visible display and said underlying display windows.”

In contrast, Gough simply teaches a translucent overlay window for rendering “in front of” an application program window. The overlay window is an image of an input mechanism, such as a keyboard comprising a number of virtual keys. The display device on which the windows are rendered may be touch sensitive to detect presses of the virtual keys of the overlay window with, e.g., a pen. When Gough speaks of receiving inputs (i.e., “intercepting cursor events”) in the area of the blended display of the two windows (i.e., “first display screen area”), the inputs are always considered as being made to the overlay window on top, as the overlay window’s purpose is to serve as an input mechanism.

It follows, then, that Gough does not teach “determining whether the cursor events are to be handled by an application program associated with said non-blocking always visible display or an application program associated with an underlying display window”, as is recited by claim 7. Since the inputs/cursor events are always considered as being made to the virtual keys of the overlay window, no such determination as to which window is to handle the events is necessary. The portions of Gough cited by the Examiner as teaching the determining limitation, such as columns 7 and 8, actually teach that a depression of the display device (a “tap”) is intercepted by the overlay window, given its frontal position and role as an input mechanism. Those passages contain no discussion of any determination process to ascertain whether the tap was intended to be handled by the “upper” overlay window, or the “underlying” application

window, and in fact teach the very opposite: that the input is always handled by the overlay window.

Further, Gough arguably teaches away from the determining recited by claim 7. In providing an overlay window to serve as an input mechanism, Gough clearly intends that such a window receive the inputs. Gough even discusses that the application window below may be modified by the inputs received by the overlay (for example, the overlay may contain the key 't', and in response to a tap on 't', the application window may render a 't' as part of a document or message). In fact, the application window in Gough would not even be able to handle "tap" inputs. Thus, one of ordinary skill in the art would not think to modify Gough to include the determining recited by claim 7.

Accordingly, claim 7 is patentable over Gough under §102(e).

Claim 28 recites limitations similar to those of claim 7, and accordingly is patentable over Gough under §102(e) for at least the same reasons.

Claims 8, 9, 29, and 30 depend from claims 7 and 28, incorporating their limitations, respectively. Thus, for at least the same reasons, claims 8, 9, 29, and 30 are patentable over Gough under §102(e).

### **Rejections under 35 U.S.C. § 103**

Claims 19, 21, 40, and 42 stand rejected under 35 U.S.C. § 103(a) over Gough in view of U.S. Patent No. 6,002,397 to *Jaaskelainen* ("Jaaskelainen"). While Applicants do not concede the propriety of the 35 U.S.C. § 103(a) rejection of claims 19, 21, 40, and 42, in order to expedite examination of the application, Applicants herein amend claims 19 and 40 to further clarify Applicants' claimed techniques.

As described above, claims 1 and 22 are patentable over Gough. Jaaskelainen does not cure the deficiencies of Gough. Accordingly, claims 1 and 22 remain patentable over Gough and Jaaskelainen, alone or in combination.

Claims 19 and 40 recite limitations similar to those of claims 1 and 22. Accordingly, claims 19 and 40 are patentable over Gough and Jaaskelainen, alone or in combination, for at least the same reasons.

Claims 21 and 42 depend from claims 19 and 40, incorporating their limitations, respectively. Thus, for at least the same reasons, claims 21 and 42 are patentable over Gough and Jaaskelainen, alone or in combination.

### **Conclusion**

In view of the foregoing, Applicants respectfully submit that all pending claims are in condition for allowance. Early issuance of the Notice of Allowance is respectfully requested.

Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,  
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